

New Mexico State Legislature  
**Welfare Reform Oversight Committee**



**2003**  
**INTERIM REPORT**

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*Produced by the Legislative Council Service  
by Pamela Ray, Staff Attorney and Leslie Schaar, Staff Attorney  
411 State Capitol  
Santa Fe, New Mexico*

## **WELFARE REFORM OVERSIGHT COMMITTEE 2003 ANNUAL SUMMARY**

Senator Manny M. Aragon, Chair  
Representative Max Coll, Vice Chair

The Welfare Reform Oversight Committee met six times in 2003. All meetings were held in Santa Fe. Again, the year was concluded without the passage of legislation by Congress reauthorizing the Temporary Assistance for Needy Families (TANF). Many versions of reauthorization bills were introduced in both the United States House of Representatives and in the United States Senate, with one bill adopted by the house of representatives but no bill adopted by the senate. The funding and program provisions of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 were extended until March 31, 2004. All bills included an increase in the work activity hours to 40 hours per week, with no concomitant increase in child care funding. Senator Jeff Bingaman was prepared to offer an amendment to the senate bill when it was heard on the floor that would have included funding for additional child care hours. In addition, Congress is proposing a "super waiver" that would allow states to receive their food stamp and other social program funding in a block grant. Testimony before the Welfare Reform Oversight Committee indicated that block grants pave the way for federal funding reductions or that block grant funding may remain stagnant even though the federal government increases duties of the state and program requirements. Other states are seeing increases in the number of TANF recipients, and New Mexico is anticipated to see increases in the number of TANF recipients over the next four to five years.

The committee took a close look at domestic violence, one of the major barriers that prevent many people who are TANF-eligible from being able to remain in work training and to maintain full-time work once they have completed their training. State funding for services for victims of domestic violence increased considerably in fiscal year 2004. The awareness of committee members to the widespread and long-lasting effects of domestic violence was raised. Moving people out of poverty presents the state with a very complex problem that requires resolving many underlying social problems.

The committee reviewed the performance measures and the performance of the Human Services Department, the Labor Department and the Children, Youth and Families Department. All three departments told the committee that their resources were strapped and that providing the services that would help to end poverty and put people to work in New Mexico would require more funding from the state. The administration, however, by the end of the year had requested all agencies to submit flat budgets for fiscal year 2005. The Labor Department reported on reduced funding for Workforce Investment Act programs and informed the committee that workforce training and development would be moved to the governor's office. The workforce development system had been evaluated by the federal government and many areas needing improvement were found. The change in structure will have to deal with both the reduced funding and the program evaluation findings.

The committee heard from the Human Services Department regarding the high rate of food insecurity in New Mexico, especially among the children of the state. Whereas 6.6 percent

of the elderly are food insecure, 36.2 percent of children in New Mexico are in food insecure situations. Poverty remains a great problem in New Mexico and, clearly, food insecurity is one of the many results of poverty. The Human Services Department has plans to increase the availability of food for children and the elderly, as well as the working poor. Whether these plans can be implemented without increased funding remains to be seen.

Committee-endorsed legislative proposals this year were few. Only one piece of substantive legislation endorsed by the committee was adopted and that was a measure changing the interest rate on delinquent child support payments. It was a revenue session, and although the committee's bills received messages from the governor, there was insufficient time for the bills to be fully considered in light of the large number of bills introduced in the 30-day session.

Many changes have taken place in the delivery system for social services due to changes in federal law and because of the change in the administration at the state level. The Welfare Reform Oversight Committee continues to monitor the effect of those changes on the poor, the elderly, the working poor and the children of the state.

**Revised: June 12, 2003**

**TENTATIVE AGENDA**  
**for the**  
**WELFARE REFORM OVERSIGHT COMMITTEE**

**June 16, 2003**  
**Room 322, State Capitol**

**Monday, June 16**

10:00 a.m.	CALL TO ORDER
10:15 a.m.	WORK PLAN AND MEETING SCHEDULE DEVELOPMENT —Pamela Ray, Staff Attorney, Legislative Council Service (LCS) —Leslie Schaar, Staff Attorney, LCS
11:15 a.m.	FEDERAL STATUS OF TANF REAUTHORIZATION AND UPDATE ON CHANGES TO THE NEW MEXICO WORKS ACT —Ruth Hoffman, Director, Lutheran Office of Governmental Ministry —Nancy Koenigsberg, Legal Director, New Mexico Center on Law and Poverty
12:15 p.m.	LUNCH
1:30 p.m.	NEW MEXICO WORKS AND TANF PROGRAMS UPDATE —Liz Stefanics, Deputy Secretary of Human Services
2:30 p.m.	WORKFORCE INVESTMENT ACT PROGRAMS UPDATE —Conroy Chino, Secretary of Labor
3:30 p.m.	CHILD CARE POLICY CHANGES —Mary-Dale Bolson, Secretary of Children, Youth and Families
4:30 p.m.	ADJOURNMENT

**MINUTES  
of the  
FIRST MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**June 16, 2003  
Room 322, State Capitol**

The first meeting for the 2003 interim of the welfare reform oversight committee was called to order by Senator Manny M. Aragon, chair, on June 16, 2003 at 10:11 a.m. in room 322, state capitol.

**PRESENT**

Sen. Manny M. Aragon, Chair  
Rep. Max Coll, Vice Chair  
Rep. Kandy Cordova  
Sen. Clinton D. Harden, Jr.  
Rep. Larry A. Larranaga  
Sen. Linda M. Lopez  
Sen. John Pinto  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**ABSENT**

Sen. Ramsay L. Gorham  
Rep. Nick L. Salazar  
Sen. William E. Sharer

**Advisory Members**

Sen. Dianna J. Duran  
Rep. Daniel R. Foley  
Sen. Timothy Z. Jennings  
Rep. Edward C. Sandoval  
Rep. Jim Trujillo  
Rep. Avon W. Wilson

Sen. Ben D. Altamirano  
Rep. Irvin Harrison  
Sen. Raymond Kysar  
Rep. Earlene Roberts

**Staff**

Leslie Schaar  
Pam Ray

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**WORK PLAN, SCHEDULE AND BUDGET APPROVAL**

Pam Ray, staff attorney, legislative council service, discussed the 2003 work plan. Senator Aragon suggested that the committee consider other barriers to successful work placement for temporary assistance for needy families (TANF) recipients, with particular emphasis on barriers created by substance abuse and domestic violence. Committee members were especially concerned with the incidence of domestic violence in New Mexico.

Representative Trujillo proposed that TANF contracts designed to prevent domestic violence and treat both survivors and perpetrators include the requirement that contractor expenditures be reviewed by the committee. Committee members also wanted to look at the punitive effects of sanctions imposed on people who fail to pay child support. Suggestions from the committee members were included in the work plan. Both the committee schedule and budget were approved.

### **FEDERAL STATUS OF TANF REAUTHORIZATION AND UPDATE ON CHANGES TO THE NEW MEXICO WORKS ACT**

Ruth Hoffman, director, Lutheran office of governmental ministry, began with a review of TANF and welfare reform terms. Ms. Hoffman also discussed the changes to the New Mexico Works Act that were adopted by the legislature in the 2003 session. (Handouts are in the original committee file.) Nancy Koenigsberg, legal director, New Mexico center on law and poverty, presented an overview of issues and proposals related to the federal reauthorization of the TANF program, which is currently under debate in the United States congress. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the federal law establishing the TANF block grant program, was due to expire September 30, 2002. Congress has continued the current program for the last three quarters while debate continues on possible changes to the program.

In response to questions about TANF eligibility, Ms. Hoffman emphasized that very few benefits exist for single adults unless they are elderly or disabled. She noted that the key to TANF eligibility is dependent children. Senator Harden expressed his concern that this distinction left the newly released prison population without TANF benefits.

Ms. Hoffman then remarked that TANF is not a federal match program and that states receive funds in block grants. New Mexico currently gets \$110.6 million per year, which is less than it used to receive, since the Navajo Nation and the Pueblo of Zuni now have their own TANF programs and a number of cases have been transferred.

Ms. Koenigsberg then explained, from her handout, the current TANF, New Mexico Works Act and human services department (HSD) regulations and the proposed TANF provisions in two federal congressional bills — H.R. 4, the house-passed bill, and H.R. 4737. RS, the senate finance committee bill. According to Ms. Koenigsberg, the committee should expect that the required number of weekly work activity hours will increase to 40. She did note, however, that this change would not affect New Mexico as much as it does other states because New Mexico regulations already require 34 weekly hours of approved work activity. Ms. Koenigsberg also assured the committee that congress would not discontinue the TANF program and that TANF funding will probably stay flat for the next five years. In addition, although child care funding will increase, the increase is not likely to cover the additional work requirement.

Moreover, Ms. Koenigsberg noted that the senate finance committee is slated to vote on H.R. 4 in July; however, there is no guarantee that the vote will occur then. Both Ms. Hoffman and Ms. Koenigsberg offered to update the committee as the situation changes.

### **NEW MEXICO WORKS AND TANF PROGRAMS**

Liz Stefanics, deputy secretary, HSD, presented an update on the federal TANF program.

According to Ms. Stefanics, between August 1996 and March 2002, the number of TANF cases decreased by 7.1 million. New Mexico had a 51.9 percent decrease in TANF cases during that time. Ms. Stefanics then explained, from her handout, May 2003 data on New Mexico's TANF population, specifically:

- there are 16,076 TANF cases, involving 41,976 people;
- 67.8 percent are children and 32.2 percent are adults;
- 69.9 percent are Hispanic and 19.9 percent are white; and
- the average size of one-parent TANF families is 2.73 people.

Next, Ms. Stefanics told the committee that New Mexico had received a high performance bonus award (HPB) of \$6,305,158 for the 2001 competition. The PRWORA authorized the HPBs and allocated \$1 billion for yearly awards of \$200 million over a five-year period. The federal government gives the HPBs to the states based on rankings in the areas of:

- job entry rate;
- job retention rate;
- earnings rate;
- earnings gain rate;
- increase in the job entry rate;
- increase in the job retention rate; and
- increase in earnings gain.

New Mexico entered the competition in four categories:

- job entry rate (combination);
- success in the work force rate (combination of job retention rate and earnings gain rate);
- increase in the job entry rate (comparing fiscal year (FY) 2000 to FY 1999); and
- increase in the work force rate (comparing FY 2000 to FY 1999).

The state ranked third highest in the country for job entry, with a rate of 72.24 percent. This rate trailed Montana at 79.19 percent and Louisiana at 77.64 percent. However, New Mexico's rates in other categories were not as impressive. For instance, the state ranked thirty-seventh in the nation in job retention, forty-ninth in earnings gain and forty-fourth in success in the work force, which combines retention and earnings gains.

In general discussion among committee members, the following topics and concerns were addressed.

- Employed TANF recipients make an average hourly rate of \$6.38, an amount unlikely to lift a person out of poverty.
- Non-English speakers face a substantial barrier to work placement. Case workers have been writing to the New Mexico congressional delegation about making English

- as a second language classes an allowable primary work activity.
- Barriers to successful work placement include language, education, work force training, depression, low self-esteem, domestic violence and substance abuse. TANF recipients could benefit from individual help from caseworkers in overcoming these barriers.
  - Long-term job retention is a substantial problem. It is not sufficient to simply place TANF recipients into jobs; TANF recipients must have the desire and the training to succeed.
  - TANF recipients are often unable to comply with their child support obligations, and the additional punitive effects make it nearly impossible to pay their debts or leave the welfare rolls.

### **WORKFORCE INVESTMENT ACT PROGRAMS**

Conroy Chino, secretary of labor, gave the committee a summary of the federal Workforce Investment Act of 1998 (WIA) program, which revamped federal job training and development programs. The WIA requires that states provide employment and training services through one-stop service delivery.

Next, Mr. Chino and his deputies demonstrated the New Mexico workforce connection, a free web site designed to help people find jobs, locate suitable education or training programs and create resumes. Employers can also post job openings and review resumes of potential employees on the web site, located at <http://jobs.state.nm.us/>.

Mr. Chino noted, and the committee agreed, that other departments should take advantage of the New Mexico workforce connection. Committee members also adamantly felt that the departments should work together to help New Mexicans by stopping the "turf wars".

### **CHILD CARE POLICY CHANGES**

Mary-Dale Bolson, Ph.D., secretary of children, youth and families, presented an update on child care policy changes. According to Ms. Bolson, the children, youth and families department (CYFD) is focusing its efforts on three main child care initiatives:

- improving access;
- enhancing quality child care incentives; and
- increasing oversight of child care providers.

Next, Ms. Bolson expressed concern about the effect of domestic violence on children. CYFD has implemented a two-part plan to help these children, including services to victims and families and treatment for offenders. Ms. Bolson will be talking with states that are particularly effective in dealing with domestic violence to determine possible solutions to the crisis. Senator Harden responded that he wanted to be included in the conversations and that Ms. Bolson should periodically update the committee.

In general discussion, many committee members expressed the desire that the adoption process be easier. Members were concerned that the tedious process forces New Mexico families to adopt children from foreign countries. Ms. Bolson assured the members that few children were available for adoption and that federal guidelines, not state procedures, slow the process. According to Ms. Bolson, CYFD does recognize the frustration, and the "heart gallery",



a collection of photographs of children available for adoption, is an attempt to expedite the adoption process.

There being no further business, the meeting adjourned at 5:42 p.m.

Revised: July 3, 2003

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**July 7-8, 2003  
Room 322, State Capitol**

**Monday, July 7**

- 10:00 a.m. CALL TO ORDER
- 10:15 a.m. UPDATE ON WORK PLAN AND BUDGET  
—Pamela Ray, Staff Attorney, Legislative Council Service  
—Leslie Schaar, Staff Attorney, Legislative Council Service
- 10:25 a.m. TANF POPULATION DATA  
—Katie Falls, Director, Income Support Division (ISD), Human Services  
Department (HSD)
- 11:25 a.m. BARRIERS TO SUCCESSFUL PROGRESS IN TANF PROGRAMS  
—Katie Falls, Director, ISD, HSD
- 12:15 p.m. LUNCH
- 1:30 p.m. OVERVIEW OF DOMESTIC VIOLENCE AND DOMESTIC  
VIOLENCE SERVICES IN NEW MEXICO  
—Agnes Maldonado, Executive Director, Coalition Against Domestic  
Violence
- 2:45 p.m. OVERVIEW OF STATE SUBSTANCE ABUSE DATA AND SERVICES  
—Pamela Martin, PhD, Director, Behavioral Health Services Division,  
Department of Health
- 3:45 p.m. RECESS

**Tuesday, July 8**

- 9:30 a.m. CHILD CARE REIMBURSEMENT RATES — URBAN/RURAL  
DISCREPANCIES  
—Mary-Dale Bolson, Secretary, Children, Youth and Families Department  
(CYFD)  
—Marg Elliston, Director, Family Services Division, CYFD  
—Lois Weigand, President, New Mexico Child Care Association
- 11:00 a.m. CYFD DOMESTIC VIOLENCE INITIATIVES  
—Mary-Dale Bolson, Secretary, CYFD
- 12:00 noon ADJOURNMENT

**MINUTES  
of the  
SECOND MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**July 7-8, 2003  
Room 322, State Capitol  
Santa Fe**

The second meeting in 2003 of the Welfare Reform Oversight Committee was called to order by Senator Manny M. Aragon, chair, on Monday, July 7, 2003, at 10:08 a.m. in Room 322 of the State Capitol in Santa Fe.

**PRESENT**

Sen. Manny M. Aragon, Chair (7/7)  
Rep. Max Coll, Vice Chair  
Rep. Kandy Cordova  
Sen. Ramsay L. Gorham (7/7)  
Sen. Clinton D. Harden, Jr.  
Rep. Larry A. Larranaga  
Sen. Linda M. Lopez  
Sen. John Pinto (7/8)  
Rep. Nick L. Salazar  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**Advisory Members**

Sen. Dianna J. Duran  
Rep. Daniel R. Foley  
Rep. Irvin Harrison  
Sen. Timothy Z. Jennings (7/7)  
Rep. Edward C. Sandoval  
Rep. Jim Trujillo

**Staff**

Pamela Ray  
Leslie Schaar  
Larry Matlock

**ABSENT**

Sen. William E. Sharer

Sen. Ben D. Altamirano  
Sen. Raymond Kysar  
Rep. Earlene Roberts  
Rep. Avon W. Wilson

**Monday, July 7**

**WORK PLAN**

Pam Ray and Leslie Schaar, Legislative Council Service staff attorneys, presented the work plan, schedule and budget as amended by the legislative council.

**TANF POPULATION DATA**

Kathryn (Katie) Falls, director, Income Support Division (ISD), Human Services Department (HSD), gave statistics that define the temporary assistance for needy families (TANF) population in New Mexico. There are 16,067 active TANF cases in New Mexico. The cases include a total of 41,976 individuals. Children comprise 63.7 percent of the individuals receiving TANF benefits; adults comprise 36.3 percent. Hispanics comprise 63.7 percent of the cases and 26.2 percent of the cases are white. The average size of a one-parent TANF family is 2.73 individuals. The average size of a two-parent family is 3.78 individuals. There are 15,202 adult participants receiving TANF benefits, 2,274 of whom have received benefits for 30 months or more. Of the 15,202 TANF adult participants, 8,524 adults are required to participate in New Mexico Works programs.

In fiscal year (FY) 2002-2003, the only year in which people have reached the 60-month lifetime limit to receive benefits pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), or the time limit on receipt of federal money for welfare, 1,116 cases have reached the 60-month limit. At this time, 647 cases cannot receive any additional TANF services. Current hardship cases total 169 of the 1,116 cases that have reached the 60-month limit. Thirteen cases are child-only cases in which the parent is receiving SSI. One active hardship case is now on appeal. Of the 1,116 TANF cases that have reached the 60-month limit, 999 cases still receive food stamps and 1,035 still receive Medicaid.

In June 2003, cases that closed numbered 1,766. Of those, 307 closed because their income exceeded the income guidelines for receiving cash assistance.

Nationally, 44 percent of TANF participants are found to have the following barriers:

- learning disabilities (24 percent of New Mexico TANF recipients and 31 percent of New Mexico TANF recipients who are high school dropouts; 66 percent of the 44 percent identified nationally or 29 percent of national TANF recipients);
- mental illness (50 percent of those 40 years of age or older and 32 percent of total New Mexico TANF population; from 11 percent to 15 percent nationally);
- families with a special needs child (15 percent of the New Mexico TANF population; up to 9.24 percent of the national TANF population);
- women recipients reporting physical abuse in the past 12 months (10 percent to 13

percent in New Mexico; seven percent to 25 percent nationally); and

- substance abuse problems (16 percent report alcohol dependence and 14 percent drug dependence in New Mexico; four percent to eight percent nationally).

These studies also show a high correlation between barriers and the ability to become and remain employed. On follow-up surveys, 61 percent of former TANF participants with impairments were not employed. One in four families that leave TANF return to receive additional benefits. Recipients with the impairments listed above are very likely to return to TANF or to be approved to receive SSI.

Whereas New Mexico ranks third in the country for job entry from TANF, it is thirty-seventh in the country in job retention, forty-fourth for success in the workplace (promotions) and forty-ninth for earnings gains.

The contractors will be seeing an increased focus on identifying barriers of recipients to employment through screening and assessment. Screening for the five areas of impairment noted above will be offered at county ISD offices for all applicants for TANF. Follow-up on all applicants showing an area of impairment will require additional comprehensive assessment. The services provided will be better coordinated with the assessments made and the individual plans developed. Participants with identified barriers will receive intensive case management. The case management ratio will be 1 case manager to 75 cases as opposed to the FY03 level of one case manager to 227 cases. At the end of FY04, there will be an evaluation of the data collected to assist in designing effective future services.

Questions arose from the committee regarding the status of TANF participants who leave TANF for reasons other than the 60-month limit. Concern was also expressed that there should remain a safety net for those people who hit the 60-month limit. Ms. Falls noted that the Maximus report was close to completion for the last fiscal year and it might provide some insight into the status and needs of the families in the benefit groups who lost benefits due to the 60-month limit. Committee members discussed the need to think about the services offered to help people transition from TANF to work and ensure that assistance is available if needed.

A discussion ensued about the federal poverty guidelines (FPG). HSD will provide the committee with some visual aids that help members to better understand the relationship of family size and income. In addition, visual aids will be created by the department to help committee members understand the standard of need used for entry into TANF and the income disregards used as a participant begins to work. The department stated that the amount of cash assistance a benefit group receives does not exceed that amount necessary to raise the net countable income to 32 percent of the FPG. The total countable gross earned and unearned income of the benefit group cannot exceed 85 percent of the FPG for the size of the benefit group (Section 27-2B-7 NMSA 1978).

## **DOMESTIC VIOLENCE IN NEW MEXICO**

Agnes Maldonado, executive director, New Mexico Coalition Against Domestic Violence (NMCADV), provided the committee with the following information regarding domestic violence in New Mexico:

- the people contacting NMCADV are getting younger and younger;
- many victims end up in the streets because they are unaware of alternatives; and
- additional money is needed to work with children to interrupt the cycle of violence.

Ms. Maldonado described a pilot project she is developing for children. It involves a puppet show in which the children develop their own puppets. The children discuss what would be a good outcome for the puppets. The project informs children that violence is not healthy, and it helps children develop a safety plan and gives them guidelines on how to be safe. It is necessary to work with offenders, victims and children to prevent future occurrences and to prevent young people from repeating the domestic violence they have witnessed in their homes.

More money is needed at all levels of service provision. Shelters need early childhood development and other counselors. Programs must provide services for 52 weeks out of the year and perpetrators should be held for at least 72 hours following an offense. Victims should be notified when the perpetrator is being released, but this does not always happen. For example, in the last 11 homicides that occurred due to a domestic violence situation, the victims were not notified that the perpetrator was being released. A coordinated response is needed to keep victims and their children safe. Substance abuse is not a cause of domestic violence but it is a contributing factor; 75 percent of domestic violence involves substance use or abuse. The country's largest domestic violence shelter is in Albuquerque with 100 beds. All beds are full at the shelter.

Ms. Maldonado responded to questions stating that counseling for victims has been shown to help victims move on with their lives. Counseling for perpetrators has also been shown to be effective. Only about 50 percent of victims return to the shelter after 52 weeks from the date of entering the shelter. The other 50 percent move on and are not seen again in the shelter setting. Denial seems to be a problem with both the victim and perpetrator. The perpetrators especially have problems accepting that their behavior is abusive. La Casa in Las Cruces has been working on a 52-week program with perpetrators.

As far as bullying, Ms. Maldonado stated that it has been shown that up to 75 percent of bullying children have witnessed domestic violence at home. Mediation and prevention services for a bully in school can help to reduce future domestic violence episodes in that child's life as an adult. It was suggested that state leaders need to be more vocal about discussing domestic violence and its solutions.

Nancy Koenigsberg responded to a question about the domestic violence provisions of the New Mexico Works Act by stating that there is an exemption of 24 months from work requirements for victims of domestic violence and there is a hardship exemption for a person reaching the 60-month limit if domestic violence can be demonstrated as a barrier that the benefit group must overcome. To use these opportunities, a participant must self-disclose that he or she is a victim. TANF contractors receive training from the 24 domestic violence providers in the state so that they can help identify victims and refer them as needed.

Two million dollars from TANF funds is provided for legal and advocacy services for domestic violence. This is distributed to 24 providers throughout the state. Calls are up 30 percent over 2002. Most legal services are for divorce and child custody procedures. There is a resource guide that lists all of the domestic violence services in the state. District attorneys may require additional money to prosecute perpetrators.

Because more teens are reporting domestic violence events as victims, training in the schools has been stepped up. Mentorship programs are being used. Teens are being referred to obtain domestic violence services. Shelters for teens only are needed. None of the \$2 million of TANF domestic violence funds are used for victims under the age of 18. Teen violence has increased by 30 percent over 2001.

The Children, Youth and Families Department (CYFD) provides money to keep shelters operating. Women who go to a shelter bring their children, but usually do not bring resources with them. It is necessary for the victims to obtain some resources to help them and their families to survive. Distribution of CYFD money is based on the population of the county, prior service load of the provider, actual expenses to run the facility, certification costs, attorneys and counselors providing services and other considerations. Probably 15 to 20 incidents of domestic violence may occur in a family before a woman will take her children to a shelter. Ninety-five percent of all victims of domestic violence are women. There are shelters available for men who are victims of domestic violence. Incidents may vary from verbal abuse to home and possession damage to physical threats and then physical violence.

Children who have moved to a shelter are put into schools near the shelter. The movement of children in and out of a school can cause the school to appear to be a school in need of corrective action.

### **SUBSTANCE ABUSE DATA AND SERVICES**

Pamela Martin, PhD, director, Behavioral Health Services Division (BHSD), Department of Health (DOH), discussed substance abuse statistics for the state. She stated that over 500,000 people in New Mexico have some substance abuse problem/dependence or mental disorder. That is about 28 percent of the state population. One-quarter to slightly over one-third of that population will at some time require state-funded behavioral health services. New Mexico has been designated as a "high intensity drug trafficking area". Dr. Martin provided the following statistics:

- 19,025 youth and 131,112 adults have substance use disorders;
- 3,047 of the 131,112 adults are in prison or jail;
- northwestern New Mexico has the highest concentration of substance abuse disorders and Bernalillo County has the second-highest;
- 68,721 people in New Mexico are believed to have some form of mental disorder, including depression;
- 18.6 percent of adults in New Mexico needing public sector mental health services in FY01 were served by BHSD, the Medical Assistance Division of HSD or CYFD;
- 52 percent of children needing public sector mental health services were served in FY01 and about 20 percent of adults were served; and
- 13.8 percent of all New Mexicans needing substance abuse or mental health services were served by state-funded programs in FY01.

Of the 423 or so agencies in the state providing mental health or substance abuse services:

- 53 percent serve children and adolescents;
- 34 percent serve adults;
- 27 percent serve both adults and children;
- 44 percent provide only outpatient services;
- 21 percent provide some kind of crisis services (hotlines, usually during normal business hours);
- many are single service providers;
- 71 agencies provide DWI services and 36 provide other services besides DWI services; and
- there are very few community-based, in-home, crisis, diversion or intensive outpatient service providers.

The handouts provided included a list of the facilities providing substance abuse or behavioral health services. The committee asked to receive a copy of that list with the providers of child-only services, adult-only services, outpatient services and other categories of services



noted above. Dr. Martin informed the committee that a new list was being generated in her office and would delineate the kinds of services offered by each provider. A copy of that new list will be provided to committee members as soon as it is completed. The Behavioral Health GAP Analysis can be found on the DOH web site.

Dr. Martin noted that more women than men use cocaine, women use marijuana less than men and opiate use is about equal for men and women. Men, however, seek treatment at a rate double that of women. Women tend to conceal substance abuse longer than men and when they submit to treatment, they are more damaged and set in the abuse pattern. Medicaid covers 12 visits in a 24-month period for substance abuse for adults, but no limit for treatment of children or adolescents. Substance abuse usually coexists with mental illness.

TANF recipients are eligible for Medicaid, which pays for 12 mental health visits in a 24-month period for adults. This is inadequate for treatment of substance abuse or mental illness. In addition, \$1 million of the TANF block grant is expended for substance abuse services for TANF recipients.

To review other uses of the TANF block grant:

- \$70 million is allocated annually out of the federal TANF block grant for cash assistance;
- the total TANF block grant is \$111 million annually; and
- the state must provide \$33 million annually in maintenance of effort, the state share required to help pay for TANF services.

The committee recessed at 4:20 p.m.

## **Tuesday, July 8**

Representative Coll reconvened the meeting at 9:38 a.m.

### **CHILD CARE REIMBURSEMENT RATES**

Mary-Dale Bolson, secretary of children, youth and families, and Marg Elliston, director, Family Services Division, CYFD, described the current reimbursement schedule for state subsidized child care. (The handout is in the original committee file.) They noted that current rates are based on a market survey conducted every two years. The most recent market survey was conducted in February and March of 2003 and included recommendations from HJM 37 (2002). The results of the survey will be available in August. Licensed centers and homes, as well as registered home providers, were polled. On April 1, 2003, rural accredited provider rates in child care centers and homes were raised to match the metropolitan (metro) rates. An accredited center is now reimbursed \$542.84 per child per month.

The eligibility for child care subsidies has been raised from 100 percent of the FPG to 150 percent of the FPG. At this time, CYFD is limited by the amount of money available for expenditure on child care reimbursement and cannot increase the eligibility level.

#### **MINUTES OF JUNE 2003 MEETING**

The minutes of the June 16, 2003 meeting of the Welfare Reform Oversight Committee were approved unanimously.

#### **CHILD CARE REIMBURSEMENT DISPARITIES**

Lois Wiegand, director, Emmanuel Baptist Child Development Center, Farmington, and president, New Mexico Child Care Association (Association), presented information on the discrepancy between metro and rural child care rates. She acknowledged and thanked CYFD for the work it has done to equalize the reimbursement rates for accredited child care providers. Also, she expressed the appreciation of child care providers for the increase of the quality incentive from \$66.00 to \$75.00 beginning May 1, 2003. This is an incentive that can be claimed only by accredited facilities. It was basically a rate increase for all accredited facilities. She also mentioned that the Association appreciated the efforts made by CYFD to provide speakers as requested at Association functions and state conferences. She noted that despite the increases for accredited providers, there is still a need for increased reimbursement so that providers are able to cover their costs and provide an enriched environment for children. Fully paying children should not have to subsidize the state-subsidized children. Rural child care providers caring for 20 infants can receive up to \$27,000 less than a similar metro provider annually.

There are costs for rural providers that metro providers do not incur to the same extent, such as transportation, costs of goods due to lack of discount stores, a smaller labor pool and, thus, increased payment of overtime and training costs at distant locations. She provided detailed information about the amounts paid by the state for various levels of child care. (See handout in original committee file.) Ms. Wiegand noted that CYFD is consulting with child care providers before a change is made in department policy.

Child care should cost no more than 10 percent of a family's budget; however, the cost is more like 20 percent for each child if the household income is about \$35,000 annually. It costs about \$5,000 per child for child care each year.

The greater cost for infant care is due to the amount of individualized attention required by an infant. Feeding, changing and engaging the child cannot be done in a group situation. New Mexico allows six infants per caregiver, but the national average is four infants maximum per caregiver.

Urban areas are determined by the population of the county. Bernalillo, Valencia, Santa Fe, Dona Ana and San Juan counties are considered "metropolitan" areas. In response to a question, Secretary Bolson noted that the rural rates are lower, not because it costs less to give care, but because rural residents many times cannot pay higher rates, due to limited salaries paid

in rural areas.

The department, according to Secretary Bolson, is trying to encourage unconventional child care providers to become established. These are the providers who provide care during evening, overnight, holiday or otherwise unconventional hours. The department is also attempting to provide parenting skills to parents of newborns to prevent later problems in the household. Secretary Bolson discussed her preference that sick care centers not be encouraged, because she would prefer to see children in their parents' care when the children are ill, although it was acknowledged that this is not always possible. She would prefer to put resources into encouraging employers to provide time off so parents can care for their children when they are ill.

The committee discussed the need for transitional child care for families just leaving TANF. The committee suggested that the issue of transitional child care be more thoroughly investigated to determine if adequate services are available to people who are no longer eligible for cash assistance because they are working and have earnings exceeding the 32 percent that is the upper income limit for receiving TANF cash assistance. There have been stories reported to CYFD that some people have refused raises because it would make the family ineligible for subsidized child care. There is no waiting list for subsidized child care at this time.

Secretary Bolson discussed the additional funding that would be needed to provide child care to families with the following incomes:

- \$6 million to increase the eligibility from 130 percent of the FPG to 150 percent of FPG; and
- \$17 million to provide child care for families up to 200 percent of FPG.

### **CYFD DOMESTIC VIOLENCE INITIATIVES**

CYFD provides funding for services for all victims or families in domestic violence situations. Families on TANF may, therefore, receive the services funded by CYFD. In FY03, CYFD budgeted \$5.5 million for domestic violence services and 7,800 people were served. In FY04, the budget is \$6.6 million for domestic violence services. The department is working with providers to encourage them to use the best practices as identified by the department. The RFP for FY04 and FY05 provides several models that the department wants providers to follow. The provider could choose which model works best for them.

The department is planning an awareness campaign aimed at teenagers that will be aired on public television and will be available for use in classrooms. The department is expecting that increased numbers of people seeking services will result from this campaign.

Vermont has domestic violence programs that appear to be especially effective and people from Vermont will be coming to New Mexico to give a seminar for CYFD personnel.

The following topics were discussed:

- providing a 1-800 telephone number for statewide referrals and help;
- encouraging the department to increase the user-friendliness of child protective services;
- increasing transitional living sites and support;
- retraining of providers to keep records as required by the best practices models;
- increasing the stringency of laws; and
- encouraging public officials and government leaders to discuss domestic violence with constituent groups and to support more services for domestic violence.

A question was raised about a court fee imposed in Clovis that supports domestic violence services.

The committee adjourned at 12:16 p.m.

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**August 28-29, 2003  
Room 322, State Capitol**

**Thursday, August 28**

- 10:00 a.m.            CALL TO ORDER
- 10:05 a.m.            FEDERAL POVERTY LEVEL, INCOME GUIDELINES AND TAX  
CREDIT ELIGIBILITY CHARTS  
—Kathryn Falls, Director, Income Support Division (ISD), Human  
Services Department (HSD)
- 12:00 noon            LUNCH
- 1:30 p.m.            CHILD SUPPORT ENFORCEMENT UPDATE  
—Stephanie Gonzales, Director, Child Support Enforcement  
Division, HSD
- 2:30 p.m.            WORKFORCE DEVELOPMENT FEDERAL AUDIT FINDINGS  
—Conroy Chino, Secretary of Labor  
—Len Malry, Deputy Secretary, Labor Department  
—Don Manning, Director, Workforce Development Division
- 3:30 p.m.            RECESS

**Friday, August 29**

- 10:00 a.m.            CHILD POVERTY IN NEW MEXICO — UPDATE  
—Kelly O'Donnell, PhD, Research Director, New Mexico Voices for  
Children
- 11:00 a.m.            BARE-BONES BUDGET  
—Kay Monaco, Executive Director, New Mexico Voices for  
Children  
—Kim Posich, Executive Director, New Mexico Center on Law and  
Poverty  
—Kim Zamarin, Director, Human Needs Coordinating Council  
—Lorraine Dominguez, Executive Director, Commission on the Status of  
Women
- 12:30 p.m.            ADJOURNMENT

**MINUTES  
of the  
THIRD MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**August 28-29, 2003  
Room 322, State Capitol  
Santa Fe**

The third meeting of the Welfare Reform Oversight Committee for the 2003 interim was called to order by Senator Manny M. Aragon, chair, on August 28, 2003 at 10:12 a.m. in Room 322 of the State Capitol in Santa Fe.

**PRESENT**

Sen. Manny M. Aragon, Chair  
Rep. Max Coll, Vice Chair  
Rep. Kandy Cordova  
Sen. Ramsay L. Gorham (8/29)  
Sen. Clinton D. Harden, Jr.  
Rep. Larry A. Larranaga  
Sen. Linda M. Lopez (8/29)  
Rep. Nick L. Salazar  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**Advisory Members**

Sen. Ben D. Altamirano  
Rep. Daniel R. Foley (8/29)  
Sen. Timothy Z. Jennings  
Rep. Edward C. Sandoval (8/29)  
Rep. Jim Trujillo (8/29)  
Rep. Avon W. Wilson

**ABSENT**

Sen. William E. Sharer

Sen. Dianna J. Duran  
Rep. Irvin Harrison  
Sen. Raymond Kysar  
Rep. Earlene Roberts

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Leslie Schaar  
Pamela Ray  
Larry Matlock

**Guests**

Senator Leonard Tsosie (8/29)  
The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Thursday, August 28**

**MINUTES OF JULY 2003 MEETING**

The minutes of the July 7-8 meeting of the Welfare Reform Oversight Committee were approved unanimously.

**FEDERAL POVERTY LEVEL, INCOME GUIDELINES AND TAX CREDIT ELIGIBILITY CHARTS**

Kathryn (Katie) Falls, director, Income Support Division (ISD), Human Services Department (HSD), described the federal poverty guidelines, which are set by the United States Census Bureau based on the Consumer Price Index. There are two poverty measurements: poverty thresholds and poverty guidelines. Poverty thresholds are used for statistical purposes such as estimating the number of people living in poverty in America while poverty guidelines are a simplification of the poverty thresholds and are used for administrative purposes such as establishing eligibility for federal programs.

Ms. Falls also explained the Earned Income Tax Credit (EITC), which is a refundable federal tax credit for low-income working individuals and families. EITC is intended to compensate for the tax burden on low-income workers, supplement their wages and assist in the welfare-to-work transition. EITC is one of the most successful federal anti-poverty programs ever developed. More than 19 million families and individuals claimed EITC during tax year 2002. To date in 2003, approximately 4.8 million people, including 2.6 million children, have been removed from poverty as a result of EITC. Studies have shown that EITC raises a family's gross annual income by as much as 33 percent.

Ms. Falls then gave statistics that define the temporary assistance for needy families (TANF) population in New Mexico.

**New Mexico Population Profile:**

- White: 44.2%
- Hispanic: 42.0%
- American Indian: 8.8%
- African American: 1.7%
- Other races: 2.7%
- Asian: 1.0%

**TANF Population Profile:**

- White: 19.6%
- Hispanic: 69.8%
- American Indian: 5.7%
- African American: 4.4%
- Asian: 0.4%

Committee members expressed concern about the disproportionate percentage of minorities on TANF and that TANF leavers were still living in extreme poverty because of low-paying jobs.

#### **CHILD SUPPORT ENFORCEMENT UPDATE**

Stephanie Gonzales, director, Child Support Enforcement Division (CSED), HSD, gave a program overview and described the division's major functions, including:

- determining paternity;
- establishing child support orders, including medical support provisions;
- enforcing existing orders for child and medical support;
- distributing collections;
- locating non-custodial parents and their financial assets;
- reviewing and adjusting orders; and
- handling interstate and international child support cases.

Ms. Gonzales explained that CSED is currently handling approximately 63,000 cases with 20,000 new cases per year from TANF and Medicaid programs and from non-public assistance applicants. In addition, the call center fields nearly 40,000 calls per month.

Committee members expressed concern that CSED had become insensitive and impersonal because concerned legislators were unable to directly call caseworkers. Committee members also questioned whether CSED had authorized the Motor Vehicle Division (MVD) to take away driver's licenses without due process. Ms. Gonzales said this practice had occurred in the past but CSED was working closely with MVD to ensure it would not happen again.

#### **Committee Request:**

Committee members asked staff to determine whether CSED has the authority to implement an amnesty program for delinquent child support orders.

#### **WORKFORCE DEVELOPMENT FEDERAL AUDIT FINDINGS**

Conroy Chino, secretary of labor, joined by Len Malry, deputy secretary, Labor Department (NMDOL), and Don Manning, director, Workforce Development Division, presented the workforce development federal audit findings. Mr. Chino introduced Maxine Bradley, the U.S. Department of Labor (USDOL) representative providing added assistance in Workforce Investment Act of 1998 (WIA) best practices.

During the week of January 6, 2003, USDOL Employment and Training Administration (ETA) Region IV completed an on-site WIA review of the Southwest Workforce Area. The purpose of the review was to determine whether NMDOL was administering the grant according to WIA legislative requirements. Potential questioned costs totaled \$716,310.86. A total of \$14,731.02 has been refunded to the Southwest Board, as these costs were deemed unallowable expenditures.

During the period from January 6, 2003 through January 31, 2003, USDOL ETA Region IV completed an on-site WIA review of the Eastern Workforce Area. The purpose of the review



was to determine whether NMDOL was administering the grant according to WIA legislative requirements. No questioned costs were identified.

During the period from September 23, 2002 through October 7, 2002, USDOL ETA Region IV completed an on-site WIA review of the Central Workforce Area. The purpose of the review was to determine whether NMDOL was administering the grant according to WIA legislative requirements. Potential questioned costs may be in excess of \$1,200,000. USDOL will assess and make a final determination of questioned and disallowed costs.

During the week of January 13, 2003, USDOL ETA Region IV completed an on-site WIA review of the Northern Workforce Area. The purpose of the review was to determine whether NMDOL was administering the grant according to WIA legislative requirements. Potential questioned costs totaled \$65,000.

Committee members expressed concern about the large amount in potential disallowed costs.

The committee recessed at 3:41 p.m.

### **Friday, August 29**

Senator Aragon reconvened the meeting at 11:05 a.m.

### **CHILD POVERTY IN NEW MEXICO — UPDATE**

Kelly O'Donnell, PhD, research director, New Mexico Voices for Children, presented a report on child poverty in New Mexico. Compared to other states, New Mexico ranks:

- 46th in child well-being;
- 49th in teen violent death;
- 47th in teen birth rate;
- 48th in single parenthood; and
- 50th in child poverty.

Ms. O'Donnell explained that poverty is a cycle and is self-perpetuating because it denies children access to adequate nutrition, timely health care, early childhood education and positive role models. According to Ms. O'Donnell, to break the cycle, the state should invest in:

- children, especially young children, through Medicaid and child care subsidies;
- families through a sustainable tax policy and food stamps; and
- jobs for parents, the best remedy for child poverty.

Committee members expressed concern that families eligible for food stamps were not accepting the assistance because of the stigma.

### **BARE BONES BUDGET**

Kay Monaco, executive director, New Mexico Voices for Children, Kim Posich, executive director, New Mexico Center on Law and Poverty, and Kim Zamarin, director, Human Needs

Coordinating Council, joined Ms. O'Donnell in presenting the Bare Bones Budget (BBB), which measures the minimum income needed for the bare necessities of families in New Mexico. The BBB identifies the extreme minimum annual income needed for each of four representative family types in 52 communities. Every county in New Mexico is represented in the survey. Ms. Monaco explained that it is important to have an accurate measure of what the bare necessities are and what they cost a family to define poverty-level income. Although assistance funds and entitlement programs are linked to income, the historical definition of poverty income — the federal poverty threshold (FPT) — is an outdated and inaccurate measure.

The FPT, based on the Thrifty Food Plan by the federal Department of Agriculture, is commonly used as a poverty measure. Limitations of this definition of poverty include the following.

- It was created in 1963 and was based on food expenditures (then the largest family expense) and is no longer valid.
- It has not been adjusted for changes in standards of living, such as telephones and child care, which are now considered necessities. It has been adjusted only for inflation.
- It is not geographically specific and is not applicable to elderly, poor or rural residents.

The presenters, who defined poverty as the lack of basic necessities and the inability to function economically in society at a basic level, gave the committee poverty statistics in New Mexico. New Mexico has:

- the highest child poverty rate in the country; nearly 25 percent of New Mexico's children are living in poverty;
- an average income that is 74.4 percent of the national average;
- higher-than-average unemployment rates;
- one of the highest rates of uninsured in the country; and
- the highest rate of food insecurity and the third-highest rate of hunger in the nation.

The presenters then explained the consequences of poverty in New Mexico, including:

- lack of health insurance and health care;
- no access to quality child care;
- doing without necessities and making choices between needs;
- hunger and food insecurity and unhealthy diets resulting in high rates of childhood obesity and diabetes;
- crowded and substandard housing or homelessness;
- high teen pregnancy rates;
- poor educational achievement and high school dropout rates; and
- disengagement from family and society resulting in higher substance abuse and crime rates.

#### Committee Request:

Senator Gorham asked staff to draft a letter to the federal government asking whether the state may receive a federal poverty guideline waiver for its food stamp and Medicaid programs.

The committee adjourned at 2:15 p.m.



**TENTATIVE AGENDA**  
**for the**  
**FOURTH 2003 MEETING**  
**of the**  
**WELFARE REFORM OVERSIGHT COMMITTEE**

**September 22-23, 2003**  
**Room 317, State Capitol**

**Monday, September 22**

- 10:00 a.m.                    CALL TO ORDER
- 10:05 a.m.                    DOMESTIC VIOLENCE — NATIONAL PERSPECTIVE, POSSIBLE  
   ACTIONS  
   —Stephanie Walton, Policy Specialist, Children and Families  
   Program, NCSL
- 11:30 a.m.                    NEW MEXICO GRADS PROGRAM  
   —Sharon Waggoner, Director
- 12:30 p.m.                    LUNCH
- 1:30 p.m.                    TEAMWORKS  
   —Lorraine Dominguez, Executive Director, Commission on the  
   Status of Women  
   —Elizabeth Alarid, Director, Teamworks Program, Commission on  
   the Status of Women
- 2:30 p.m.                    AT-HOME INFANT CARE INITIATIVE  
   —Susan Loubet, Executive Director, New Mexico Women's  
   Agenda
- 3:30 p.m.                    STRENGTHENING FAMILIES-FATHERHOOD INITIATIVE  
   —Ann Vail, PhD, Department Head, Department of Family and  
   Consumer Sciences, and Department Head, Extension and  
   Home Economics Department, New Mexico State  
University (NMSU)  
   —Esther Devall, PhD, Associate Professor, Director, Strengthening  
   Families-Fatherhood Initiative, NMSU
- 4:30 p.m.                    RECESS

**Tuesday, September 23**

- 10:00 a.m.                UNDER-USE OF FOOD STAMPS — HOUSE JOINT MEMORIAL 64  
                              —Katie Falls, Director, Income Support Division (ISD), Human  
                              Services Department (HSD)
- 11:00 a.m.                EDUCATION WORKS UPDATE  
                              —Katie Falls, Director, ISD, HSD
- 12:00 noon                ADJOURNMENT

**MINUTES  
of the  
FOURTH MEETING  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**September 22-23, 2003  
Santa Fe**

The fourth meeting in 2003 of the Welfare Reform Oversight Committee was called to order by Senator Manny M. Aragon, chair, on Monday, September 22, 2003, at 10:10 a.m. in Room 317 of the State Capitol.

**PRESENT**

Sen. Manny M. Aragon, Chair  
Rep. Max Coll, Vice Chair (9/22/03)  
Rep. Kandy Cordova  
Sen. Ramsay L. Gorham (9/23/03)  
Sen. Clinton D. Harden, Jr. (9/23/03)  
Rep. Larry A. Larranaga  
Sen. Linda M. Lopez  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**Advisory Members**

Rep. Irvin Harrison  
Rep. Edward C. Sandoval (9/22/03)  
Rep. Jim Trujillo (9/22/03)

**ABSENT**

Sen. John Pinto  
Rep. Nick L. Salazar  
Sen. William E. Sharer

Sen. Ben D. Altamirano  
Sen. Dianna J. Duran  
Rep. Daniel R. Foley  
Sen. Timothy Z. Jennings  
Sen. Raymond Kysar  
Rep. Earlene Roberts  
Rep. Avon W. Wilson

**Staff**

Pamela Ray  
Larry Matlock

**Monday, September 22**

**DOMESTIC VIOLENCE — NATIONAL PERSPECTIVE**

Stephanie Walton, policy analyst, Children and Families Program, National Conference of State Legislatures, presented information on the incidence of domestic violence nationally and the types of programs in place to help prevent domestic violence or to mitigate its effects on victims. She stated that statistics show that one in four women are victims of domestic violence and 1,200 women are killed in domestic violence incidents annually. Thirty to 60 percent of children in families in which domestic violence occurs are also abused.

There was a 25 percent increase in domestic violence in New Mexico in 2002. Twenty-seven people were killed in domestic violence episodes in 1998-1999 in New Mexico, the most recent year for which statistics were available. In New Mexico, 66 percent of female homicides can be attributed to domestic violence.

Federal funding provides much of the money for operation of domestic violence programs through two sources. The first source is money appropriated to implement the Violence Against Women Act (VAWA). Over the last five years, \$3.33 billion has been distributed by the federal government to implement VAWA. Two types of grants funded are one to fund domestic violence shelters and one for the STOP program. The second source of federal funds is money appropriated to implement the Victims of Crimes Act (VOCA).

Other funds to address domestic violence come from the maintenance of effort (MOE) that supplements federal TANF dollars. This money can be used only for TANF-eligible people and families. There are other state funds appropriated to the Children, Youth and Families Department (CYFD) that are used for domestic violence shelter operations. Ms. Walton indicated that there is a total of \$12.9 million expended in New Mexico on domestic violence programs. The federal government provides \$5.5 million, the state appropriates \$3.3 million or more and the remainder comes from grants, donations and other private sources. Susan Loubet, executive director, New Mexico Women's Agenda, noted that of the state's \$3.3 million, \$2 million goes to the Coalition Against Domestic Violence and is distributed to its members who run shelters or offer victim services. Ruth Hoffman, executive director, Lutheran Office of Governmental Ministry, noted that there was an additional \$600,000 appropriated from TANF funds this year for domestic violence programs.

Ms. Walton noted that 38 states have specific domestic violence crimes and most states provide for protective orders for women who are targets of domestic violence. Many states also provide for warrantless arrests. States also have criminalized marital rape and all states have stalking statutes. Thirty-eight states have expanded their domestic violence laws to include all who are in intimate relationships, not just those who are married, cohabitating or who have children together.

Of the \$600,000 appropriated for domestic violence in fiscal year 2004 from TANF funds, most was earmarked by CYFD to provide services for children who are witnesses of domestic violence. Twelve states identify allowing a child to witness domestic violence as a crime and three states consider allowing a child to witness domestic violence as child abuse. There are also programs for the batterer as well as programs for the victims. Most states allow a victim of domestic violence who is forced to leave a job to collect unemployment insurance. New Mexico also allows a victim of domestic violence to obtain TANF without having to participate in the work requirements. Some states have domestic violence courts.

A related issue is that of the "mail-order bride" trade. It is now required that organizations that match foreign people with a person in the United States seeking a spouse conduct criminal background checks on the person in the U.S. seeking the spouse.

Ms. Walton discussed activities in several states that appear to be programs that are addressing and helping to reduce domestic violence. By pooling their domestic violence funding, the federal Department of Justice (DOJ) and the Health and Human Services Department (HHS) began six pilot programs called the Greenbook Project. One of the pilot programs was located in El Paso county in Colorado. That project, known as the Domestic Violence Enhanced Response Team (DVERT), is a program of the Colorado Springs Police Department, and uses a multi-disciplinary team comprised of criminal justice officials, nonprofit organizations, victims advocates and city and county human services agencies. The DVERT program centers its service provision around ensuring the safety of the victim as opposed to a focus on placing all resources into ensuring the arrest and prosecution of the batterer. The program provides a "systemic response" to domestic violence situations because it involves the coordination of criminal justice, social service and community-based agencies. Domestic violence cases are reviewed at weekly meetings and categorized according to the perceived danger to the victim. Close contact is kept



with clients. Referrals are provided for counseling for the victims, including the children. Cellular phones are provided to victims of stalking. Victims are helped with negotiating the criminal justice system. Agency collaboration, training, cooperation of the victims and improvements in counseling, provision of safe housing and provision of cell phones were identified as being instrumental in changing the lives of victims. The most prominent outcome was a reduction of violence in the lives of the victims and their children. Recidivism is reduced or nonexistent with perpetrators who agree to the increased monitoring and vigilance provided by the DVERT program.

In addition to the DVERT program, El Paso County, Colorado, (Colorado Springs) uses its diversion payments (once-in-a-lifetime payments) to help victims of domestic violence. Assistance can be provided to help a victim leave an abuser, and the assistance may allow the victim to obtain or retain a job that the victim would otherwise have to abandon. The money can be used for transportation to a job, child care or a deposit on an apartment. The county also has emergency housing funds available that can supplement TANF funds. TANF funds may take as long as 45 days to process a claim.

Greenbook pilot projects were established in 1999 by the DOJ and the HHS at six sites. The projects pulled together child protection service agencies, the domestic violence community and the court system. Co-occurrences of domestic violence and child maltreatment are priority cases at the Greenbook sites. The money for the Greenbook sites came from DOJ and HHS funding. Other similar projects have found other ways to fund their projects. In many states, TANF money is used for domestic violence intervention programs. The Greenbook project sites were located in California (two), New Hampshire, Colorado Springs, Oregon and Missouri. Domestic violence victims in Oregon may have access to \$1,200 of TANF money every 90 days for assistance to flee or stay free from abuse. The funds can be used for moving and other relocation expenses; house payments or utilities; emergency food; medical coverage; replacement of household or personal items left behind when fleeing a domestic violence situation; obtaining safety items such as locks or telephone service; car repairs or purchase; and furniture or other needs for victims to achieve independence. Oregon distributed \$7 million in this program in 2001.

Questions by the committee elicited the following information from Ms. Walton:

- although substance abuse, including alcohol abuse, lower inhibitions and are many times involved in episodes of domestic violence, substance abuse is not considered to be a cause of domestic violence, but a contributing factor;
- children who witness or experience domestic violence or child abuse have a high probability of becoming abusers or victims as adults, and they continue the cycle of violence unless there is intervention;
- economic stress can also contribute to domestic violence occurrences;
- programs are needed to focus on preventing children from repeating the behaviors they have witnessed in domestic violence homes;
- domestic violence appears to be more prevalent in Native American homes where alcohol is abused and families are isolated from community situations (according to a DOJ study);
- currently, the length of intervention programs is not an indicator of the success of the treatment;
- it is important to begin intervention with young students as soon as violent behavior or acting out is identified; and
- concern was expressed that there is not a great deal of expertise and experience in New Mexico with providing effective programming for children who witness domestic violence, even though CYFD sought and funded proposals for child victim programs this past funding cycle.

Information was requested from Ms Walton on:

- whether Congress ever provided funding for transitional housing for domestic violence victims;
- the incidence of domestic violence for unemployed people versus employed people.

A discussion ensued on the relative merits of incarceration and restraint of perpetrators versus removing the victim and children from the scene and providing privacy, confidentiality and protection to the victims and children. The unintended consequences of incarcerating perpetrators were discussed as were the unintended consequences of laws that make domestic violence a form of child abuse. Some of the consequences mentioned were:

- reduction of resources for the family if a person is incarcerated and loses a job;
- the greater potential for breaking up already fragile family structure if both parents are charged with child abuse;
- increasing the need for maintaining control when an abuser loses a job;
- increasing the stress on the parents when jobs and income are lost; and
- a greater potential for sexual assault when the abuser sees his power and control slipping.

It is important that society begins to deal with the issues of aggression that permeate it.

### **GRADS PROGRAM**

Sharon Waggoner, director, New Mexico GRADS Program, gave an overview of her program and how her program works with teenagers to prevent domestic violence. Many times promiscuous behavior in teens results from sexual assault or other emotional or mental abuse in the home. The GRADS program teaches its participants about state law and the protections and consequences of domestic violence. Training programs are also provided for teachers so they can recognize and deal with the symptoms of domestic violence. Some students (and teachers) need to be taught that it is not usual behavior to have violence in the home. The program has also provided job training through a Carl Perkins federal grant, but that \$100,000 grant will end after this fiscal year.

GRADS offers fatherhood programs in 13 schools for young men whose girlfriends are having babies. A few of the couples marry. However, most relationships do not survive the pregnancy and of those marriages occurring in high school, very few survive graduation. The GRADS program works with 900 to 1,000 young people each year.

In New Mexico, 46 percent of all pregnancies are out of wedlock. Of the 35 GRADS sites in New Mexico, 16 have requested pregnancy prevention programs. In the last year:

- 208 of the seniors graduated; and
- 152 graduates were accepted to continue their education at post-secondary schools.

Ariana Vigil, Taos, is a GRADS graduate and now is teaching in the Taos school district. She is also teaching GRADS programs. She is a graduate of UNM with a teaching certificate for high school. She provides a support group for teen moms and programming for teen dads. Her goal is to provide a model for success, so that teens are able to see that they can still achieve goals that will help sustain their family. A young teen mother and GRADS student named Rachel Garcia accompanied Ms. Vigil and discussed her involvement with the GRADS program and her plans for her future.

The GRADS program has been working with multiple generations of families to strengthen teen families. There are six GRADS components available:

- teen parents;
- fatherhood;

- career;
- child development;
- pregnancy prevention; and
- youth development.

It has been noted that in the schools where GRADS offers programming, repeat pregnancies for teens have decreased by 3.2 percent. Ninety percent of the teens who complete the pregnancy prevention courses do not have repeat pregnancies. Programs teach job preparation and career and marriage skills. GRADS is working with Albuquerque Technical-Vocational Institute to provide nursing training for male students. The predominant cultural population in the programs is Hispanic. TANF requires the state to address teen pregnancy because 74 percent of teen moms seek TANF benefits. There are models of the GRADS program available for both high school and middle school groups. High school students may elect to attend GRADS programming, whereas middle school students have to receive the training through another curriculum class. Seventh grade students appear to be the most receptive to the training. GRADS would like to expand to elementary schools and include more middle schools, but that would require more funding than is currently available. There is some possibility that Medicaid in the Schools could be tapped to provide additional funding. An after-school program called the DISCOVER program is provided to some students in grades four through eight.

**COMMISSION ON THE STATUS OF WOMEN — TEAMWORKS AND HOMEMAKER PROGRAMS**

Lorraine Dominguez, executive director, Commission on the Status of Women, and Elizabeth Alarid, director, Teamworks Program, presented an overview of the Teamworks Program and other programs offered by the Commission on the Status of Women. Lorraine Esquivel-Bilotti, a former Teamworks participant, described her experiences with domestic violence, the reasons she had entered the Teamworks Program and the success she had as a result of the program. Although she was currently unemployed, it was due to the company downsizing and she felt confident she would find a new job. Ms. Esquivel-Bilotti noted the lack of services available for pregnant women who have experienced domestic violence. Many times pregnant women experience an increase in domestic violence episodes and severity. Programs are not

geared to provide services unless the victim already has children. Many pregnant women are forced to return to their abuser until the pregnancy is completed.

Teamworks has an attrition rate of about 15 percent. Many times the failure to complete the program is due to the severity of the domestic violence being experienced and because the woman is forced to deal with the domestic violence issues, such as finding a safe home, getting children settled in school, getting a divorce, obtaining necessary restraining orders and other activities to insulate her from the abuser first before she is able to focus on a work program.

If a victim of domestic violence is unwilling to file charges against the abuser, then it is unlikely that any charges will be filed or, if filed, will be prosecuted.

The Las Cruces Teamworks Program is directed by Carmen Garcia. The program was having difficulty obtaining referrals from the TANF program, but those issues appear to be resolved. Elizabeth Alarid does site visits with the Las Cruces program about every three weeks.

Perpetrator programs are usually required by the courts for abusers who are either arrested or convicted of domestic violence. Domestic violence appears to be a learned behavior. The success rate of perpetrator programs is low. It is more effective to start with children to prevent the cycle from continuing. Low self-esteem or adult behaviors that undermine the self-esteem of children tend to lead to involvement in domestic violence as a victim or a perpetrator. More resources are needed to stop the cycle. It was suggested that child support be required to be available immediately upon separation of spouses due to domestic violence.

#### **APPROVAL OF THE MINUTES OF THE AUGUST MEETING**

The minutes of the August meeting of the Welfare Reform Oversight Committee were adopted by a unanimous vote of the committee.

#### **AT-HOME INFANT CARE**

Susan Loubet presented a proposal to adopt a program similar to Montana's "At-Home Infant Care Program". The program was implemented in Montana to address the expense and difficulty of accessing infant care in Montana, a state with vast rural areas similar to New Mexico. The services would be available to children up to 24 months of age. The parent is considered to be the care provider and receives a fee of \$17.00 per day for care provided. Families up to 150 percent of the federal poverty guidelines are eligible for the program. It is important that the money paid for providing in-home infant care is considered "earned income" so

that the family can be eligible for other support services such as housing, food stamps, TANF and Medicaid. Federal law mandates that the money paid for this work is considered "earned income". The program causes the state to save child care money for children over 12 months who, pursuant to TANF rules, would require child care when the custodial parent is in TANF work activities. It is true that this program could also benefit middle-income parents, but limited resources require that the program begins with low-income families. The program also provides child development training for the caretaker parent to increase parenting skills and understanding. The program would require a system of home visitation to provide support to the parent. If the family is a two-parent family, the second parent would be required to participate in work activities.

Current New Mexico laws that can be used as models for an at-home infant care act are the Education Works Act and the Parents As Teachers Act. Training and oversight could be provided by existing programs without having to assign these duties to over-loaded case managers. Suggestions of agencies that could provide training and oversight are the Promotora Program and the Carrina Program.

### **STRENGTHENING FAMILIES — NMSU PROGRAM**

Dr. Ester DeVall noted in her introduction to her program that New Mexico is ranked very low on the scale of best places to raise children in the United States. It is ranked 46th out of the 50 states. The components of the program are:

- nurturing parents curriculum;
- life skills;
- nutrition education; and
- 4-H for kids.

The meeting recessed at 3:46 p.m.

### **Tuesday, September 23**

The meeting reconvened at 10:10 a.m. to hear from Kathryn (Katie) Falls, director, Income Support Division (ISD), Human Services Department (HSD).

### **HOUSE JOINT MEMORIAL 64, 2003 SESSION, UNDERUSE OF FOOD STAMPS**

Ms. Falls began her discussion by noting that New Mexico is the worst state in the United States in terms of food insecurity. There are 54,000 visits weekly to soup kitchens, food pantries and homeless shelters. The following statistics were given to the committee:

- 36.2 percent of New Mexico's children are food insecure;
- 6.6 percent of the elderly are food insecure;
- 46.5 percent of food insecure households include at least one employed adult; and
- 13.9 percent of the food insecure are homeless.

The state is planning to launch a state plan to end hunger. It will focus on enrolling those who are eligible for food stamps and those who are ineligible for food stamps because their income is too high, but who still need assistance. Initially, the plan will include a step to identify in-state resources that, when coordinated, could help expand coverage of those in need of greater food security and then to identify the gaps that exist in services.

Ms. Falls discussed the sectors into which food insecurity services have been divided:

- access, where strategies to expand the use of food stamps and to provide food for the working poor will be developed;
- food resources, where people needing food assistance will be identified and methods of providing food will be developed;
- financial resources, where the state will work with foundations, nonprofit organizations and the general public to increase food availability;
- marketing, where the state will work to reduce the stigma of receiving food aid, especially food stamp use; and
- customer service, where the state will eliminate issues that have been identified that cause food services to be unpleasant or demeaning and where the state will implement best practices in client services.

The state will also be looking at ways to work with suppliers of food from out-of-state, such as USDA and other organizations that deal in excess food. Currently, there is a summer food program for children that may end two weeks before the beginning of the school year, causing a hiatus in food delivery to children during those two weeks.

The state has a program called the Emergency Food Assistance Program, or TFAP, that provides food on an emergency basis. People eligible for the program are provided with boxes of food. HSD is planning to increase the eligibility from 150 percent of the federal poverty guidelines (FPG) to 185 percent of the FPG. The food is currently distributed every two months, but HSD is planning to have distributions available on a daily, weekly or twice-per-month basis.

Immigrants are eligible for the food stamp program. Immigrant children are able to get lunches, food stamps and commodities from food banks regardless of the amount of time that their families have been in the United States. The New Mexico Center for Law and Poverty will be partnering with HSD to help provide food to a wider audience.

The elderly may only receive \$10.00 per month in food stamps if they also receive social security. HSD is looking at a way to simplify the application process for the elderly and others who need food and to provide the elderly greater access to food from food pantries and food banks, including home deliveries. Increased funding will be needed to expand food accessibility to more children, the elderly and the working poor.

The department believes that it will need a budget expansion of approximately \$7 million to provide better food security in the state. It is considering legislation that would eliminate the liability for food donators. HSD is considering requesting that lottery tuition scholarships be extended to education works recipients who have completed their two years of educational programming under that program.

**ADJOURNMENT**

The committee adjourned at 12:08 p.m.



**TENTATIVE AGENDA**  
**for the**  
**FIFTH 2003 MEETING**  
**of the**  
**WELFARE REFORM OVERSIGHT COMMITTEE**

**October 20-21, 2003**  
**Room 322, State Capitol**  
**Santa Fe, New Mexico**

**Monday, October 20**

- 10:00 a.m.      CALL TO ORDER
- 10:05 a.m.      HUMAN SERVICES DEPARTMENT PERFORMANCE MEASURES AND  
PROPOSED BUDGET  
—Pam Hyde, Secretary of Human Services  
—Kathryn Falls, Director, Income Support Division, Human Services  
Department
- 11:45 a.m.      LUNCH
- 1:00 p.m.      LABOR DEPARTMENT PERFORMANCE MEASURES AND  
PROPOSED BUDGET  
—Conroy Chino, Secretary of Labor
- 2:45 p.m.      LEGISLATIVE PROPOSAL DISCUSSION  
—Pam Ray, Staff Attorney
- 3:30 p.m.      RECESS

**Tuesday, October 21**

- 10:00 a.m.      CHILDREN, YOUTH AND FAMILIES DEPARTMENT  
PERFORMANCE MEASURES AND PROPOSED BUDGET  
—Mary-Dale Bolson, Secretary of Children, Youth and Families
- 11:30 a.m.      UPDATE — TANF REAUTHORIZATION  
—Ruth Hoffman, Executive Director, New Mexico Office of Lutheran  
Governmental Ministry
- 12:15 p.m.      ADJOURNMENT

**MINUTES  
of the  
FIFTH MEETING IN 2003  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE**

**October 20-21, 2003**

**State Capitol, Room 322  
Santa Fe**

The fifth meeting in 2003 of the Welfare Reform Oversight Committee was called to order by Senator Manny M. Aragon, chair, on Monday, October 20, 2003, at 10:13 a.m. in Room 322 of the State Capitol.

**PRESENT**

Sen. Manny M. Aragon, Chair  
Rep. Max Coll, Vice Chair  
Rep. Kandy Cordova  
Sen. Ramsay L. Gorham (10/21)  
Rep. Larry A. Larranaga  
Sen. John Pinto (10/21)  
Rep. Nick L. Salazar  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**Advisory Members**

Sen. Ben D. Altamirano  
Sen. Dianna J. Duran (10/20)  
Rep. Earlene Roberts (10/21)  
Rep. Edward C. Sandoval  
Rep. Jim Trujillo

**ABSENT**

Sen. Linda M. Lopez  
Sen. Clinton D. Harden, Jr.  
Sen. William E. Sharer

Rep. Daniel R. Foley  
Rep. Irvin Harrison  
Sen. Timothy Z. Jennings  
Sen. Raymond Kysar  
Rep. Avon W. Wilson

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Pamela Ray  
Leslie Schaar  
Larry Matlock

**Monday, October 20**

**HUMAN SERVICES DEPARTMENT PERFORMANCE MEASURES**

Pamela Hyde, secretary of human services, Liz Stefanics, deputy secretary, Human Services Department (HSD), and Kathryn Falls, director, Income Support Division (ISD), HSD, presented the performance measures for HSD. Handouts setting forth HSD's performance measures are in the meeting file. Questions from the committee centered on the performance measures of the Medical Assistance Division and ISD. Secretary Hyde discussed the barriers to reducing poverty that are addressed in the performance measures. She noted that caseloads for TANF and Medicaid are increasing. The use of food stamps among TANF recipients and other eligible people is at 60 percent and the department is trying to increase that use to 80 percent. The department was asked to correlate the jobs acquired through the TANF programs with levels of poverty. Classifications should show if a family still is below 85 percent of poverty with a job, or at 32 percent of poverty or above 85 percent of poverty. Also, the department was asked to indicate whether the family has one or two children and if the family is a one-parent or two-parent family. The department was asked if it has a method of tracking the number of TANF recipients that receive services and jobs through the Labor Department (LD).

The department requested support from the committee in increasing the budget for ISD positions. The cost for 98 new workers would be \$5 million. Two million dollars is already being suggested in the budget for fiscal year 2005; however, that will not be adequate to fill all the positions and provide benefits, travel and support staff.

**LABOR DEPARTMENT PERFORMANCE MEASURES AND BUDGET**

Conroy Chino, secretary of labor, presented the performance measures of the LD. Mr. Chino noted that there will be a cut in funding for Workforce Investment Act programs. Currently, employees' jobs appear to be secure.

Of the 2004 performance measures, the LD met seven, leaving four unmet. One of the unmet performance measures dealt with the Welfare-to-Work Program. That program was terminated when the federal funding was withdrawn nationally. One of the unmet performance measures will require better data collection. One performance measure was met five days after the end of the fiscal year and the final unmet performance measure was within 10 percent of the goal.

The LD's Employment Security Division emphasized finding employment for unemployed individuals. The division attempts to provide a "seamless web" of programs so that advice, resources and support programs can all be accessed from the same point of contact.

Secretary Chino reported that in the week prior to the meeting, 312 people had been laid off in Las Cruces. He said he is going to have to seek additional funds for these dislocated workers, since the pool of money for dislocated workers in the state is too depleted to absorb all of these workers.

At this time, there is no connection between the HSD database and the LD database. It is not possible to identify people receiving services from both agencies.

### **LEGISLATIVE PROPOSAL DISCUSSION**

A discussion was held regarding potential legislation to be endorsed by the committee and introduced in the 2004 legislative session. Several bills to increase penalties for perpetrators of domestic violence were suggested for review by the committee. Also discussed was a bill that would revoke the driver's license of a minor who is a truant. Penalties for perpetrators of domestic violence where there are child witnesses was also an idea that was presented. The Corrections Oversight and Justice Committee has been looking at a version of this bill. Another bill was suggested that would protect the safety of domestic violence shelters by providing penalties for release of shelter information for malicious purposes or in a malicious way.

A concern was raised that social services agencies should be sharing information and their databases, which may need to be required by law.

### **NCSL PROGRAM REPORT**

Representative Trujillo informed the committee about a workshop he attended in St. Louis. A model program was described in the workshop that provides access for students and their families to social services programs through the schools. A social worker at the school coordinates the access to social programs. The social worker also follows up on chronic absentees at the school and works with the families to reintegrate students into school.

### **RECESS**

The meeting recessed at 4:23 p.m.

### **Tuesday, October 21**

The meeting was reconvened at 10:10 a.m. by Chairman Aragon.

### **CHILDREN, YOUTH AND FAMILIES PERFORMANCE MEASURES AND PROPOSED BUDGET**

Mary Dale Bolson, secretary of children, youth and families, noted that a 20-year-old consent decree regarding "Joseph A." would soon be ending. She presented the budget and performance measures of the Children, Youth and Families Department (CYFD). Currently, CYFD is realigning the use of youth funding so that services are provided up front for juvenile offenders. The location of Camino Nuevo, a facility for violent adult offenders, does not violate the "sight and sound" requirements for a juvenile facility. The youth detention center, YDI, is located next to Camino Nuevo.

Marg Elliston, director, Family Services Division, CYFD, presented information about the general fund request for that division and the changes that the division is planning to implement. She discussed the increased training that will be required of home child care providers, so that those children also will receive training that will prepare them for school.

A discussion ensued regarding the "bare-bones budget" developed by several advocacy groups, including New Mexico Voices for Children. It proposes that a single mother of two needs a salary of at least 138 percent of the federal poverty guidelines to live today. With this in mind, CYFD has raised the income eligibility standard for receiving subsidized child care services from the state to 150 percent of the poverty level. The portion of child care in New Mexico that is subsidized is high when compared to the national average (30 percent in New Mexico vs. 25 percent nationally).

CYFD will be reorganizing some of its divisions by 2006. CYFD is also working on coordinating food stamps, Medicaid and TANF child only payments so that foster children can receive the services they may be eligible for.

#### **UPDATE - TANF REAUTHORIZATION**

Ruth Hoffman, executive director, Lutheran Office of Governmental Ministry, New Mexico, informed the committee that the fifth extension of TANF has been adopted. It extends TANF through March 31, 2004. A house bill to reauthorize TANF with changes has been adopted by the U.S. House of Representatives. There is a U.S. Senate bill that passed out of the Senate Finance Committee, but it is unlikely, according to Ms. Hoffman, that the bill will be scheduled for a floor vote before the end of the year. Senator Bingaman and Senator Jeffords both have significant amendments to include in the senate bill. Senator Bingaman's version would increase the funding that states receive for child care services provided to TANF recipients, and Senator Jeffords' amendment expands barriers that would exempt a participant from full participation in TANF work requirements.

It is anticipated, according to Ms. Hoffman, that participation rates in the TANF programs in most states will increase from 50 percent to 70 percent over the next three- to four- year period. New Mexico will still require a caseload reduction credit to meet the standards of work participation required in the newer bills. Approximately 99 percent of the states would not be able to meet the new requirements for work participation without caseload reduction credits. It appears that only Wisconsin has been able to meet the work participation requirements, and that is what Secretary of Health and Human Services Tommy Thompson is using as a basis for his expectation that all states can meet the new work requirements.

The most troubling changes to the TANF program seen in the recent house and senate bills are the following:

- the number of hours of work is increased in all bills to 40 hours per week for participants who have mandatory work requirements;

- the definition of "work" is narrowed so that states will have less flexibility in what they call work;
- there is no increase in the amount in each block grant to the states;
- a work subsidy for community service is also included in the new bills, but this will increase the costs to states of oversight and increase the need for staff; and
- the concept of a "superwaiver" is in both the senate and house bills. It would cause food stamps and other program money to be distributed to the states in block grants. Ultimately, this would reduce the funding going to the states for food stamps and other social programs.

### **ADJOURNMENT**

The committee adjourned at 12:31 p.m.

Revised: November 6, 2003

**TENTATIVE AGENDA**  
**for the**  
**FIFTH 2003 MEETING**  
**of the**  
**WELFARE REFORM OVERSIGHT COMMITTEE**  
  
**November 10-11, 2003**  
**Room 307, State Capitol**

**Monday, November 10**

- 10:00 a.m.                    CALL TO ORDER
- 10:05 a.m.                    COMMUNITY SERVICES BLOCK GRANT ANNUAL REPORT  
—Liz Stefanics, Deputy Secretary, Human Services Department  
(HSD)
- 11:00 a.m.                    STANDARD OF NEED  
—Kathryn Falls, Director, Income Support Division, HSD
- 11:45 a.m.                    LUNCH
- 1:15 p.m.                    INTEREST RATE ON DELINQUENT CHILD SUPPORT PAYMENTS  
—Stephanie Gonzales, Director, Child Support Enforcement  
Division, HSD
- 2:00 p.m.                    IN-PLANT TRAINING FROM TANF FUNDS  
—Rick Homans, Secretary of Economic Development
- 3:00 p.m.                    DEFINE "GUARDIAN" FOR TANF PURPOSES  
—Mary Ann Shaening, Court Improvement Project Guardianship  
Committee  
—Wanda Butler, Court Improvement Project Guardianship  
Committee  
—Bebeann Bouchard, Court Improvement Project Guardianship  
Committee  
—Dr. Andrew Hsi, Court Improvement Project Guardianship  
Committee  
—Liz McGrath, Court Improvement Project Guardianship  
Committee  
—Pat Stelzner, Court Improvement Project Guardianship  
Committee  
—Andrea Poole, Court Improvement Project Guardianship  
Committee
- 4:00 p.m.                    RECESS

**Tuesday, November 11**

- 10:00 a.m.                    **SCHOOL AGE CARE PROGRAM**  
—Daniel Clavio, Coordinator, School Age Care Program, Public Education  
Department
- 11:30 a.m.                    **REVIEW OF LEGISLATIVE PROPOSALS FOR ENDORSEMENT**  
—Pamela Ray, Staff Attorney  
—Leslie Schaar, Staff Attorney
- 12:15 p.m.                    **ADJOURNMENT**



**MINUTES  
of the  
SIXTH MEETING IN 2003  
of the  
WELFARE REFORM OVERSIGHT COMMITTEE  
November 10-11, 2003  
Room 307, State Capitol**

The sixth meeting in 2003 of the Welfare Reform Oversight Committee was called to order by Senator Manny M. Aragon, chair, on Monday, November 10, 2003 at 10:16 a.m. in Room 307 of the State Capitol.

**PRESENT**

Sen. Manny M. Aragon, Chair  
Rep. Max Coll, Vice Chair  
Sen. Ramsay L. Gorham (11/11)  
Sen. Clinton D. Harden, Jr.  
Rep. Larry A. Larranaga  
Sen. Linda M. Lopez  
Rep. Nick L. Salazar  
Rep. J. Paul Taylor  
Rep. Gloria C. Vaughn

**ABSENT WERE**

Rep. Kandy Cordova  
Sen. John Pinto  
Sen. William E. Sharer

**Advisory Members**

Sen. Ben D. Altamirano  
Sen. Dianna J. Duran  
Rep. Irvin Harrison  
Sen. Timothy Z. Jennings (11/11)  
Rep. Edward C. Sandoval  
Rep. Jim Trujillo

Rep. Daniel R. Foley  
Sen. Raymond Kysar  
Rep. Earlene Roberts  
Rep. Avon W. Wilson

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Pamela Ray  
Leslie Schaar  
Larry Matlock

**Guests**

The guest list is in the meeting file.

**Monday, November 10**

## **COMMUNITY SERVICES BLOCK GRANT PERIODIC REPORT**

Kathryn Falls, director, Income Support Division (ISD), Human Services Department (HSD), Judith Bailey, bureau chief, Food and Nutrition Service Bureau, ISD, HSD and Yvonne Rodriguez Ivanovich presented the periodic report on the use of community services block grants (CSBG). The Food and Nutrition Service Bureau administers the block grant program and tracks the use of the funds. A copy of the report is in the meeting file. The money from the block grants provides administrative funds for programs that receive program funds from other sources but receive little or no administrative funding. Total funding for fiscal year 2004 was \$3.6 million. This funding is distributed to the nine community action agencies (CAAs) in the state based on population and perceived need. The community action agencies then distribute the money to programs providing services such as head start, food banks, domestic violence, emergency heating services (LIHEAP) or other services in the state. The money is used to match Federal Emergency Management Agency grants and other grants provided to local nonprofit agencies.

There was a question about who actually oversees the operation of the CAAs. No clear oversight is provided to determine if the end use of the CSBG is used as required. Representative Trujillo requested that audits of the CAAs and the community services providers be made available to him.

Ms. Ivanovich oversees the fiscal and programmatic aspects of each CAA. At this time, all of the CAAs are fiscally sound. There is one agency that is being closely monitored due to underperformance. The Food and Nutrition Bureau has outlined corrective actions that must be taken by this CAA to come into line with expectations of the bureau. Ms. Ivanovich also reviews the bylaws, minutes and other documents of the CAAs and their service providers to ensure that the organizations are following their policies and are providing services within their stated purposes. The bureau will be providing boards of directors with training on how to run an effective agency and how to document their activities for review.

Five percent of the CSBG may be used by ISD for administration of the CSBG program. There is no cap on the amount of the CSBG funding that can be used by a recipient agency for administrative costs.

There was a discussion about head start programs and how they are administered and whether those programs are attached to public schools and work with the public schools to provide curriculum that feeds into the curriculum of public schools.

- Not all public schools have head start programs.
- Some public schools provide buildings and space for head start programs as well as programming; most head starts must purchase or otherwise provide their own space.

- In Dona Ana County, one head start program is under the fiscal administration of New Mexico State University, but the other programs are affiliated with the public schools in Dona Ana County.
- The federal head start program provides snacks and health programs for dental and physical care.
- Some head start programs are all-day programs.
- CAAs operate many of the head start programs in New Mexico.

CAAs support many people who need help receiving public assistance. Since there are only nine CAAs, many of the CAAs are located in multiple counties. Bernalillo County is the only county in its CAA.

HSD was asked to review the use of the CSBG to ensure that the method of distribution is efficient. A concern was raised that the state has many different schemes of regionalization for many purposes. There are five regions for providing TANF services, four regions for Workforce Investment Act services and there are seven planning districts, each with its own council of government. This scheme has nine districts. It appears that there might be some benefit to using the same districting for multiple purposes. At the very least, it would reduce confusion. In addition, the HSD was asked to pull together a better overall plan of how the CAAs provide funds and how the service providers and CAAs are coordinating to achieve the common goal of providing services to low-income people in the state. HSD was further asked to evaluate the success of the programs it funds through the CSBG and to provide a better idea in its next report of the coordinated effect of the funding expended.

The committee requested that a memorial be drafted for the upcoming legislative session that would request the New Mexico congressional delegation to recognize the extreme poverty of the people of New Mexico and to consider how each legislative issue that comes before it will help to improve the status of New Mexico residents. In addition, the committee requested that the congressional delegation help the legislature to address poverty in New Mexico through every action that the delegation takes.

### **STANDARD OF NEED**

The original standard of need for a family of three was 37.1 percent of the federal poverty guideline for the year 1995. The standard of need is the amount of cash benefit that may be provided to a benefit group, either through TANF or general assistance. Since 1995, the federal poverty guidelines have been adjusted for inflation annually, but the standard of need has remained the same amount as it was when TANF was initiated. The standard of need is now less than 31.1 percent of the federal poverty level. After a great deal of discussion, the committee decided to endorse a raise in the standard of need from its current rate of less than 31.1 percent of the federal poverty guidelines to 34.1 percent of the federal poverty guidelines. HSD was asked to generate a table that shows the federal poverty guidelines for various family sizes, the bare

bones budget for families and the amount of cash assistance that families would receive on TANF.

It was noted that TANF support services now consume \$71,984,000 annually and that even though it appears that the state is not expending its carryover from year to year, the money is budgeted. Carryover occurs when the TANF federal block grant is not expended. If the increase in the standard of need is to be funded by use of the carryover, there may be support programs that will see a reduced budget to accommodate the increase in cash assistance payments. The department estimated that the carryover from the previous federal fiscal year that ended on September 30, 2003 is \$35 million or more.

On a motion by Representative Taylor, seconded by Senator Harden, the committee voted to consider raising the standard of need from 31.1 percent to 34.1 percent of the federal poverty level, or \$434 per month for a family of three.

### **CHILD SUPPORT ENFORCEMENT PROPOSALS**

Stephanie Gonzales, director, Child Support Enforcement Division, HSD, discussed possible ways to increase the compliance with child support laws. She suggested that:

- the interest rate for child support delinquencies be reduced;
- there be an amnesty on child support interest, but not on child support payments, if the custodial parent agrees to the waiver and the amnesty occurs only once every 10 to 12 years;
- a license not be revoked as a sanction for delinquent payment of interest only; and
- the statute of limitations be reduced to seven years on declaring paternity for a child.

It was suggested that if the interest on delinquent child support is reduced to zero percent there should be an annual flat fee that is charged on the delinquencies in lieu of the interest. It was noted that when a delinquency is paid, only \$50.00 of the payment goes to the family if the family is receiving TANF benefits. The remainder is used to pay court costs and to reimburse the state and federal government for TANF costs for that benefit group.

### **IN-PLANT TRAINING**

Teresa Varela, Economic Development Department (EDD), discussed the In-Plant Training Program that is funded partially with federal block grant funds for TANF. The program has an overall budget of \$4 million, of which \$2 million is supplied from TANF funds. Last fiscal year, 31 companies provided 627 jobs through the program. The businesses have to be new or expanding businesses that are not retail sales businesses. The training can be held in a classroom or on the job or a combination of the two. The funding pays a portion of the employee's wages up to a maximum of 1,040 hours. Classroom training is reimbursed at 100

percent of the employee's wage and on-the-job training is reimbursed at 50 percent of the employee's wage.

Sixty percent of the funds are distributed to areas of the state that are not urban areas and 65 percent of the funds are distributed to economically distressed areas of the state such as Taos, Rio Arriba, Mora, Luna and Cibola counties. After the completion of the training, EDD will invoice HSD for allowable expenditures. To be an allowable expenditure, the participant has to be eligible for, but not necessarily collecting, TANF. Right now, there are 627 jobs that people are being trained for, but not all will be TANF-eligible participants.

The committee asked Ms. Varela to provide it with data showing how many TANF-eligible enrollees completed training in fiscal year 2004 and the total number of enrollees for the year who completed training.

### **GRANDPARENT GUARDIANSHIP**

Mary Ann Shaening, contractor with the Administrative Office of the Courts, Stan Cooper, director, AARP and Liz McGrath and Patricia Wagner, both members of the Guardianship Committee of the Court Improvement Project, discussed a change in the definition of benefit group that will allow more grandparents to take on guardianship of their grandchildren without losing their fixed incomes. The Guardianship Committee began meeting in 1999 and developed the Kinship Guardianship Act.

Ms. McGrath stated that according to the 2000 federal decennial census, there were 40,000 children living with their grandparents and in 24,000 of those households, grandparents held the primary responsibility for caring for their grandchildren. It is anticipated that about 5,000 grandparent caregivers will need to have some public assistance to raise their grandchildren.

Parents are absent from their families due to substance abuse, incarceration and mental illness. If the grandparent has no legal guardianship, the children can receive TANF services as a child-only benefit group. Legal guardianship is an important tool that prevents parents from taking children from grandparents' homes and allows grandparents to provide a stable environment for the children. However, the grandparents' income is considered in determining the standard of need for the benefit group if the grandparents are legal guardians of the grandchildren.

The Guardianship Committee requested that the Welfare Reform and Oversight Committee endorse a bill that would exclude grandparents who are legal guardians of grandchildren from having their incomes counted if their incomes are below 150 percent of the federal poverty guidelines. Representative Sandoval offered to sponsor the bill because he has constituents that have brought this concern to him.

The committee recessed at 5:17 p.m.

### **Tuesday, November 11**

Senator Aragon reconvened the meeting at 10:11 a.m. in Room 307 of the State Capitol. The committee moved to Room 322 to view a video provided by Dan Clavio from the School Age Program on the collaboration between the before- and after-school programs and the Santa Fe Opera and other programs. The video predominantly dealt with the summer programming provided in communities around the state.

Mr. Clavio discussed the difficulties in recruiting children for the before- and after-school programs and for the summer programs because of the high transience of TANF-eligible families. It is especially difficult to recruit children from the Navajo Nation. There will be a professional evaluation of the program to determine its effectiveness. The program is offered for children from five to eight years of age, and provides a safe, nurturing and enriched environment for children.

Various themes of programs include developing histories of veterans in a child's family in the south valley of Albuquerque, an understanding of the biology of acequias and an exploration of the idea of thirst. These programs all incorporate art, environment, music, math and reading, with tutors available.

The program has been developing over the last five years. Its funding has increased from \$2.2 million to \$2.9 million. Over 2,000 families have been served in the five-year period and 17 communities have been served. The communities served vary from year to year depending on the proposals received by the program. The average cost is \$800 per student. Many schools have TANF populations that are too small to sustain the program without additional funds. Non-TANF children can be funded privately to attend the programs. Eighty percent of the money is spent on direct instructional services, with the rest spent on transportation and administration. Rates vary from program to program based on the proposals submitted. Most teachers are bilingual.

### **LEGISLATION ENDORSEMENTS**

1. Standard of need — the committee would like the legislature to consider raising the standard of need from \$389 per month for a family of three to \$434 per month for a family of three.
2. Suspend or revoke drivers' licenses of those under 17 years of age who drop out of school.

3. Increase the penalties for crimes against household members.
4. Reduce or eliminate the interest rate on delinquent child support, reduce the statute of limitations on determining paternity, provide an amnesty if agreed to by the custodial parent on interest and prohibit revocation of professional licenses due to unpaid interest only on child support.
5. Provide penalties for malicious disclosure of the location of a domestic violence shelter.
6. At-home infant care.
7. Include only income above 150 percent of federal poverty guidelines in determining income of grandparents who are guardians of grandchildren for TANF.

The committee adjourned at 1:20 p.m.

WELFARE REFORM OVERSIGHT COMMITTEE  
Endorsed Legislation  
2003 Interim

1. Increase standard of need (cash assistance rate). Increase would be from the current maximum of \$389 per month per family of 3 to \$434 per month per family of 3. This increases the percent of federal poverty guidelines paid from less than 31 per cent to 34.1 percent.
2. Truant Children and School Drop-Outs. Revoke drivers licenses of children who are under 17 and truant or drop out of school.
3. Domestic Violence Penalty Amendments. Increase penalties for subsequent offenses against family members.
4. Protection of Domestic Violence Shelters. Create crime of malicious disclosure of the location of a domestic violence shelter.
5. Child Support Enforcement Amendments:
  - Reduce the interest charged from 8.75% to no interest or interest of no more than 2%. If the interest rate is 0%, then a small annual fee should be charged.
  - Permit past interest owed (which belongs to the custodial parent) to be waived for an amnesty period to be determined by the state, but only if the custodial parent will agree.
  - Do not revoke licenses if the principal payments are up to date but interest is still due.
  - Reduce the statute of limitations for a custodial parent to file a paternity suit to 7 years. Now a custodial parent can wait until the child is 19 and file a paternity suit claiming back payment of child support and interest.
6. Grandparents as guardians of grandchildren. Would allow a grandparent to become a guardian of a grand child and if the grand parent's income is up to 150% of the federal poverty guidelines, the child could remain a "child-only" benefit group. Above 150% of poverty the grandparents income would be considered in determining if the child could receive TANF benefits. Right now all of the income of a grandparent guardian is considered in determining if a child can receive TANF or other benefits.
7. At-Home Infant Care. Creates a program where a TANF-eligible mother of an infant can be classified as an infant-care provider and receive payment for providing the care. Training would be provided. Food stamps and medicaid would be available to the family. The time would not count against the sixty permissible months of TANF benefits. A parent can only access the program for a total of two years. All other children in family would be required to remain at home to receive child care, rather than receive state-assisted child care.